



AGENDA

TOWING INDUSTRY ADVISORY COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

TUESDAY, JUNE 10, 2014 - 9:00 A.M.

COUNCIL CHAMBERS

SECOND FLOOR, CIVIC CENTRE

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1

www.mississauga.ca

Members

Councillor Ron Starr, Ward 6 (**Chair**)

John C. Lyons, Citizen Member (**Vice Chair**)

Councillor Nando Iannicca, Ward 7

Mark Bell, Citizen Member

Daniel Ghanime, Citizen Member

Tullio (Tony) Pento, Citizen Member

Armando Tallarico, Citizen Member

Daniel R. Wallace, Citizen Member

Contact: Stephanie Smith, Legislative Coordinator
Office of the City Clerk 905-615-3200 ext. 3795 Fax 905-615-4181
Stephanie.Smith@mississauga.ca

CALL TO ORDERAPPROVAL OF AGENDADECLARATIONS OF CONFLICT OF INTERESTPRESENTATIONS/DEPUTATIONSMATTERS TO BE CONSIDERED1. Minutes of Previous Meeting

Towing Industry Advisory Committee meeting minutes from May 6, 2014.

RECOMMEND APPROVAL2. By-law to Prohibit Solicitation at an Accident Scene for all Non-Tow Truck Related Persons

Members of the Towing Industry Advisory Committee (TIAC) to discuss the Corporate Report dated April 24, 2014 from the Commissioner of Transportation and Works with respect to a by-law to prohibit solicitation at an accident scene for all non-tow truck related Persons. *Please note that this report was considered at the May 6, 2014 TIAC meeting.*

RECOMMENDATION

That a by-law be enacted to prohibit solicitation at an accident scene for all non-tow truck related persons as outlined in the report from the Commissioner of Transportation and Works, dated April 24, 2014.

3. Two Tier Tow Truck Licensing System

Members of the Towing Industry Advisory Committee (TIAC) discuss the Corporate Report December 4, 2013 from the Commissioner of Transportation and Works with respect to amendments to the Tow Truck Licensing By-law 521-04, as amended, to include a two tier tow truck licensing system. *Please note that this report was considered at the December 13, 2013 TIAC meeting.*

(3)

RECOMMENDATION

That a by-law be enacted to amend the Tow Truck Licensing By-law 521-04, as amended, effective January 1, 2015, to include a two tier tow truck licensing system, more specifically “General Towing for Hire” and “Contract Towing Not for Hire” as outlined in the report from the Commissioner of Transportation and Works dated December 4, 2013.

4. Towing Industry Advisory Committee Action List

Action list of the Towing Industry Advisory Committee meeting held on May 6, 2014 provided to the Committee to provide an update on the status of initiatives raised at prior meetings.

RECOMMEND RECEIPT

OTHER BUSINESS

DATE OF NEXT MEETING – At the call of the Chair

ADJOURNMENT

JUN 10 2014



MINUTES

TOWING INDUSTRY ADVISORY COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

TUESDAY, MAY 6, 2014 - 9:03 A.M.

COMMITTEE ROOM A

SECOND FLOOR, CIVIC CENTRE

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1

www.mississauga.ca

Members Present: Councillor Ron Starr, Ward 6 (**Chair**)
John C. Lyons (Citizen Member) (**Vice Chair**)
Councillor Nando Iannicca, Ward 7
Mark Bell (Citizen Member)
Daniel Ghanime (Citizen Member)
Tullio (Tony) Pento (Citizen Member)
Armando Tallarico (Citizen Member)
Daniel R. Wallace (Citizen Member)

Staff Present: Mickey Frost, Director, Enforcement
Daryl Bell, Manager, Mobile Licensing Enforcement
Stephanie Smith, Legislative Coordinator, Office of the
City Clerk

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CALL TO ORDER – 9:03 A.M.

APPROVAL OF AGENDA

DECLARATIONS OF CONFLICT OF INTEREST - Nil

PRESENTATIONS/DEPUTATIONS - Nil

MATTERS CONSIDERED

1. Minutes of Previous Meeting

Towing Industry Advisory Committee meeting minutes from April 15, 2014.

Approved (Councillor Iannicca)

2. By-law to Prohibit Solicitation at an Accident Scene for all Non-Tow Truck Related Persons

Members of the Towing Industry Advisory Committee (TIAC) reviewed the Corporate Report dated April 24, 2014 from the Commissioner of Transportation and Works with respect to a by-law to prohibit solicitation at an accident scene for all non-tow truck related persons.

Daryl Bell, Manager, Mobile Licensing Enforcement noted the need for a by-law to prohibit solicitation at an accident scene for all non-tow truck related persons.

Members of TIAC spoke to personal experiences with individuals from law firms and personal injury representatives, insurance fraud and the difficulties of keeping a collision scene clear for emergency response vehicles and tow truck drivers.

Members of the industry expressed concern with the new by-law banning tow truck drivers from an accident scene. Daryl Bell provided clarification that the by-law would not ban tow truck drivers from accident scenes.

Councillor Starr spoke to the need for increased communication in the industry and the need to bring this matter back to a future TIAC meeting for discussion.

Odyssey (sp), Tow Truck Driver spoke to his lack of experience with solicitation at accident scenes and noted his issue with lane blocks.

Joey Gagne, Abrams Towing expressed support for the proposed report and spoke to the perception of tow truck drivers in the industry and that the proposed report would allow drivers to do their job.

Todd Keely, Tow Truck Driver spoke to including insurance companies in the by-law and enquired if Enforcement Officers would be enforcing the by-law.

RECOMMENDATION

That the report from the Commissioner of Transportation and Works, dated April 24, 2014 and entitled "By-law to Prohibit Solicitation at an Accident Scene for all Non-Tow Truck Related Persons" be deferred to a June Towing Industry Advisory Committee meeting.

Received (Councillor Iannicca)

Recommendation TIAC-0007-2014

3. Amendments to the Tow Truck Licensing By-law 521-04, as amended, for the Training of Tow Truck Drivers

Daryl Bell, Manager, Mobile Licensing Enforcement spoke to the Corporate Report dated April 24, 2014 from the Commissioner of Transportation and Works with respect to amendments to the tow truck licensing by-law 521-04, as amended, for the training of tow truck drivers. He noted that the training would be similar to the public vehicle training and that City staff would be trained through Wreck Master to certify all City of Mississauga licensed tow truck drivers.

Allan, Tow Truck Driver expressed concern with the level of qualifications City staff would receive from Wreck Master, cost of the training and how one City staff would be able to certify all tow truck drivers in the City of Mississauga. Mickey Frost, Director, Enforcement noted that once the report is approved all concerns would be addressed.

Mark Bell, Citizen Member noted that the training would educate drivers on any changes to the Tow Truck By-law, increase drivers awareness of the industry and that the course would be offered at a basic level.

Councillor Starr spoke to consumer protection, public safety and that more information would be brought to the committee outlining a work plan for the training course.

Joey Gagne, Abrams Towing noted the difficulties of implementing a Wreck Master training course and the cost of the training to drivers. Mr. Gagne further spoke to the benefits of trained drivers and that a detailed program needs to be developed.

Councillor Starr and Mr. Frost spoke to the proposed Provincial government tow truck report that includes a training program and that the City of Mississauga is proposing this training course to be independent from the Province.

Barry, Tow Truck Driver spoke to the criminal record search fee that drivers are now also required to pay.

Robert, Seneca Towing spoke to a driver training courses already provided by most towing companies and that new tow drivers should shadow experienced drivers.

RECOMMENDATION

That the report from the Commissioner of Transportation and Works, dated April 24, 2014, and entitled "Amendments to the Tow Truck Licensing By-law 521-04, as amended, for the Training of Tow Truck Drivers" be deferred to a future Towing Industry Advisory Committee meeting.

Received (Councillor Iannicca)
Recommendation TIAC-0008-2014

4. Recommendation to Request Permission from the Attorney General's Office to Increase Set Fines Related to the Towing Industry

Daryl Bell, Manager, Mobile Licensing Enforcement spoke to the Corporate Report dated April 28, 2014 from the Commissioner of Transportation and Works with respect to a request for permission from the Attorney General's Office to increase set fines related to the towing industry.

Mark Bell, Citizen Member spoke to the background of the report and that the committee worked with City staff to increase the set fine amounts instead of making drivers mark each piece of required equipment.

RECOMMENDATION

1. That the report from the Commissioner, Transportation and Works, dated April 28, 2014, and entitled "Recommendation to Request Permission from the Attorney General's Office to Increase Set Fines Related to the Towing Industry" be received for information.
2. That staff incorporate comments received from the Towing Industry Advisory Committee and prepare a report to be considered by General Committee on the recommended increases to set fines related to the tow truck industry.

Approved (Councillor Iannicca)

Recommendation TIAC-0009-2014

5. Towing Industry Advisory Committee Action List

Members of the Towing Industry Advisory Committee meeting reviewed the action list as presented.

RECOMMENDATION

That the action list of the Towing Industry Advisory Committee meeting held on May, 6 2014 provided to the Committee to update on the status of initiatives raised at prior meetings be received.

Received (Councillor Iannicca)

Recommendation TIAC-0010-2014

OTHER BUSINESS

Daniel R. Wallace, Citizen Member expressed concern that as of May 5, 2014 tow truck drivers could no longer listen in to the Peel Regional Police (PRP) radio scanner. He noted that this would make the towing industry more dangerous as drivers would have to chase to a collision scene.

Daryl Bell, Manager, Mobile Licensing Enforcement noted that City staff were not aware of the change.

Members of the towing industry expressed concern over the blackout on the PRP radio scanners as this would create a loss in revenue and would create increased hazards to the public.

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Discussion ensued with respect to criminal record searches, the deadline to receive a pardon for a criminal record, driver's abstracts and the lack of communication to inform drivers of changes to the by-law.

DATE OF NEXT MEETING – 9:00 a.m., Tuesday, May 13, 2014 – Council Chambers

ADJOURNMENT – 10:35 A.M



Corporate Report

Towing Industry Advisory Committee
Clerk's Files JUN 10 2014

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Originator's
Files

Towing Industry Advisory Com
MAY 06 2014

DATE: April 24, 2014

TO: Chair and Members of the Towing Industry Advisory Committee
Meeting Date: May 6, 2014

FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **By-law to Prohibit Solicitation at an Accident Scene for all
Non-Tow Truck Related Persons**

- RECOMMENDATION:**
1. That the report from the Commissioner of Transportation and Works, dated April 24, 2014 and entitled "By-law to Prohibit Solicitation at an Accident Scene for all Non-Tow Truck Related Persons" be received.
 2. That staff incorporate comments received from the Towing Industry Advisory Committee into a report to be considered by General Committee for the recommended drafting of an accident scene solicitation by-law.

BACKGROUND: Staff have concerns regarding the solicitous behaviour of various industry members at accident scenes. Individuals from industries such as auto body shops, car rental agencies and personal injury consultants take advantage of the stressful accident situation and attempt to coerce vulnerable people who are in a state of shock and confusion to sign agreements, contracts and work orders and to make otherwise rash decisions.

The Tow Truck Licensing By-law 521-04, as amended, has prohibitions for any solicitation, coercion or suggestion by a tow truck

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driver at an accident scene. This section of the by-law gives officers the means to deal with tow truck drivers who have been attempting to solicit on behalf of various body shops, rental agencies, injury therapists and lawyers. The increased enforcement of the Tow Truck Licensing By-law 521-04, as amended, has resulted in an increase in the number of non-tow related private individuals who operate outside of the by-law and interfere at accident scenes. Mobile Licensing Enforcement staff receive complaints on a regular basis from stakeholders who are frustrated with the actions of these individuals. The stakeholders are left feeling further frustrated when informed that staff cannot offer any assistance with the complaints because the private individuals and their actions are not regulated by any City by-laws.

COMMENTS:

Staff have reviewed the practices of Oakville, Burlington, Hamilton, Milton, Brampton, Toronto and Vaughan. All of the aforementioned municipalities have by-laws which prohibit solicitation by tow truck owners and drivers. The cities of Toronto and Vaughan include in their by-laws a clause which prohibits any person from soliciting services on behalf of a tow truck driver or owner.

The City of Hamilton is the only municipality who has passed a stand-alone by-law restricting solicitation or conveyance of an offer of business services or goods to any driver or person involved in an accident or apparent accident scene. The Hamilton by-law also restricts any solicitation activity within 200 metres (656 feet) of the accident scene. The Mississauga Tow Truck Licensing By-law 521-04, as amended, has provisions to restrict solicitation at an accident scene by tow truck drivers and owners within a 200 metre (656 feet) radius. A stand-alone solicitation by-law would give staff and other enforcement agencies the tools required to manage and enforce unlicensed individuals who are circumventing the system and taking advantage of people in these vulnerable situations.

FINANCIAL IMPACT:

No direct financial impact would be experienced by the City of Mississauga.

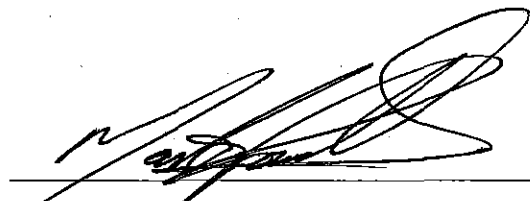
CONCLUSION:

Staff have conducted a review of the surrounding municipalities

regarding concerns arising from solicitation practices at accident scenes and staff recommend the drafting of a by-law to prohibit solicitation at an accident scene for all non-tow truck related persons. It is further recommended that the by-law be modelled after the City of Hamilton Accident Scene Solicitation on Highways By-law (Appendix 1).

ATTACHMENTS:

Appendix 1: City of Hamilton By-law "A By-law to Prohibit Accident Scene Solicitation on Highways"



Martin Powell, P. Eng.
Commissioner of Transportation and Works

Prepared By: Daryl Bell, Manager, Mobile Licensing Enforcement

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Authority: Item 9, Economic Development
and Planning Committee
Report; 08-014 (PD02234(a))
CM: July 10, 2008

Bill No. 174

CITY OF HAMILTON

BY-LAW NO. 08-174

To Repeal and Replace By-Law No. 02-362, A By-law to Prohibit Accident Scene Solicitation on Highways

WHEREAS this By-law is enacted for the purposes of protecting the health and safety of all those involved in vehicle accidents, including emergency personnel, by keeping highways free of obstructions or other impediments in and around accident scenes; controlling the nuisance for all those using highways caused by obstructions or impediments in and around accident scenes; and, protecting consumers who are involved in vehicle accidents;

AND WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5 through 8 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property, including consumer protection;

AND WHEREAS subsection 101(1) of the Municipal Act, 2001, S.O. 2001, c. 25, authorizes the City of Hamilton to provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of this By-law and provides that subsection 170(16) of the Highway Traffic Act, R.S.O. 1990, c. H.8, applies;

AND WHEREAS section 425 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that any person who contravenes any by-law of the City of Hamilton is guilty of an offence;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. In this By-law:

- (a) "business" means a business as defined in section 150 of the Municipal Act, 2001;

To Repeal and Replace By-Law No. 02-362,
A By-law to Prohibit Accident Scene Solicitation on Highways
Page 2 of 6

- (b) "City" means the municipality of the City of Hamilton or the geographic area of the City of Hamilton, as the context requires;
- (c) "collision reporting centre" means a facility specified by a police service where a vehicle which has been involved in an accident may be taken and stored for the purpose of reporting such accident;
- (d) "Council" means the council of the City of Hamilton;
- (e) "emergency personnel" means the operator, driver, attendant, or other personnel of an ambulance, a fire department vehicle, a police service vehicle, public utility vehicle, a Ministry of Ontario emergency vehicle, or a vehicle operated by an officer appointed to carry out provisions of the Highway Traffic Act, the Public Vehicles Act, or the Environmental Protection Act while the officer is in the course of his or her employment;
- (f) "highway" means a highway as defined in subsection 1(1) of the Municipal Act, 2001 and as provided for in section 26 of the Municipal Act, 2001, but does not include a King's Highway as defined in subsection 1(1) of the Highway Traffic Act;
- (g) "motor vehicle" means a motor vehicle as defined in subsection 1(1) of the Highway Traffic Act;
- (h) "tow truck" means a motor vehicle which is designed, modified or used for pulling, towing, carrying, or lifting other motor vehicles, be they damaged, disabled, abandoned, or otherwise, with or without the assistance or use of lifts, winches, dollies, trailers, or similar equipment;
- (i) "towing services" means the provision or use of a tow truck including the assistance of the owner, operator, driver, or any passenger of a vehicle through the use of the equipment on or used in conjunction with the tow truck for the pulling, towing, carrying, or lifting of a motor vehicle at a place located within the City; and,
- (j) "vehicle" means a vehicle as defined in subsection 1(1) of the Highway Traffic Act.

2. No person shall solicit or make or convey an offer of business services or goods to the driver or any other person involved in a vehicle accident or apparent accident while the person soliciting or making or conveying the offer of business services or goods is within 200 metres of,

- (a) the scene of the vehicle accident or apparent accident; or,

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To Repeal and Replace By-Law No. 02-362,
A By-law to Prohibit Accident Scene Solicitation on Highways
Page 3 of 5

- (b) a vehicle involved in the accident,
on a highway.
- 3. No person shall solicit or make or convey an offer of business services or goods to anyone going to or from or attending at a collision reporting centre to report a vehicle accident or apparent accident while the person soliciting or making or conveying the offer of business services or goods is within 200 metres of the premises of the collision reporting centre.
- 4. No person shall solicit the hiring of a tow truck or make or convey an offer of towing services while that person is within 200 metres of,
 - (a) the scene of a vehicle accident or apparent accident; or,
 - (b) a vehicle involved in an accident,
on a highway.
- 5. No person shall solicit the hiring of a tow truck or make or convey an offer of towing services to anyone going to or from or attending at a collision reporting centre to report a vehicle accident or apparent accident while the person soliciting or making or conveying the offer of towing services is within 200 metres of the premises of the collision reporting centre.
- 6. No person shall park, stop, or stand a tow truck on a highway within 200 metres of,
 - (a) the scene of a vehicle accident or apparent accident; or,
 - (b) a vehicle involved in an accident.
- 7. Section 2 of this By-law does not apply to business services or goods where the person is within 200 metres of the scene of an accident or a vehicle involved in an accident at the request of emergency personnel, a person engaged in highway maintenance, or a person involved in the accident.
- 8. Section 3 of this By-law does not apply to business services or goods where the person is within 200 metres of a collision reporting centre at the request of

To Repeal and Replace By-Law No. 02-362,
A By-law to Prohibit Accident Scene Solicitation on Highways
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emergency personnel, a person engaged in highway maintenance, or a person reporting the accident.

9. Sections 4 and 6 of this By-law do not apply to a person who is within 200 metres of the scene of an accident or a vehicle involved in accident at the request of emergency personnel, a person engaged in highway maintenance, or a person involved in the accident.
10. Section 5 of this By-law does not apply to a person who is within 200 metres of a collision reporting centre at the request of emergency personnel, a person engaged in highway maintenance, or a person reporting the accident.

Offence

11. Every person who fails to comply with this By-law is, upon conviction, guilty of an offence and is liable to a fine of not more than:
 - (a) \$5,000 for a first offence;
 - (b) \$25,000 for a second offence; or
 - (c) \$100,000 for a third or subsequent offence.

Power to remove vehicle

12. A police officer or a municipal law enforcement officer, upon discovery of any tow truck parked or standing in contravention of this By-law, may cause the tow truck to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removal, care and storage of the tow truck, if any, are a lien upon the tow truck, which may be enforced in the manner provided by the Repair and Storage Liens Act.

Validity

13. If a court of competent jurisdiction declares any subsection, section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

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To Repeal and Replace By-Law No. 02-362,
A By-law to Prohibit Accident Scene Solicitation on Highways
Page 5 of 5


Title

14. This By-law may be referred to as the "Hamilton Highway Accident Non-Solicitation By-law".


Repeal

15. By-law No. 02-362 is hereby repealed.

PASSED and ENACTED this 10th day of July, 2008.



Lloyd Ferguson
Acting Mayor



Kevin C. Christenson
City Clerk



Corporate Report

Towing Industry Advisory Committee Clerk's Files JUN 10 2014
Originator's Files Towing Industry Advisory Committee DEC 16 2013

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DATE: December 4, 2013

TO: Chair and Members of the Towing Industry Advisory Committee
Meeting Date: December 16, 2013

FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **Amendments to the Tow Truck Licensing By-law 521-04, as amended, to include a two tier tow truck licensing system**

RECOMMENDATION: That a by-law be enacted to amend the Tow Truck Licensing By-law 521-04, as amended, effective February 1, 2014, to include a two tier tow truck licensing system, more specifically "General Towing for Hire" and "Contract Towing Not for Hire" as outlined in the report from the Commissioner of Transportation and Works dated December 4, 2013.

**REPORT
HIGHLIGHTS:**

- Issues have been raised as a result of tow truck companies operating in the city without a registered vehicle pound facility (VPF) in the City of Mississauga.
- The Canadian Automobile Association (CAA) requested a licence so that they could perform their business, which is a "not for hire" industry related to dispatched calls and not to chasing accidents.
- Mobile Licensing Enforcement previously started a process to accept a letter to set the terms for tows conducted by towing companies located outside the City of Mississauga, notwithstanding the requirements of the Tow Truck Licensing By-law 521-04, as amended.

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- A two tier licence system provides protection for the public, will more effectively regulate chase and contract tow trucks, and will address concerns with unlicensed and possibly unsafe tow trucks operating on Mississauga roads.

BACKGROUND:

Concerns have been raised by staff and the insurance industry regarding the issue of tow truck companies who are not located in Mississauga and do not have a registered VPF in the City of Mississauga, which contravenes the requirements of the Tow Truck Licensing By-law 521-04, as amended. The by-law requires that the tow truck driver take the vehicle to their registered VPF located in the City of Mississauga or to a location at the direction of the hirer.

Notwithstanding the requirements of the by-law, past practice by previous management was to accept a letter from tow truck companies located outside the boundaries of the City of Mississauga stating that the tow rates they would charge would not be more than what is permitted within the City of Mississauga in accordance with the by-law. This practice was originally put in place to allow contract tow truck companies, including the CAA, to operate in the City of Mississauga. However, a number of general towing companies with chase trucks were granted the same permission.

CAA and other contract tow truck companies operate on a dispatch call system for their customers under prearranged contracts to service their clients. The contract tow trucks are not permitted to attend accident scenes or other random towing situations except if they maintain a registered VPF in the City of Mississauga in accordance with the requirements of the by-law.

In early 2013, the present Manager of Mobile Licensing Enforcement recognized this issue and began to remedy the situation due to the number of non-contract tow truck companies which were operating in the City of Mississauga from cities such as Brampton and as far away as Orillia, which did not maintain a registered VPF in the City of Mississauga. Moreover, staff streamlined the licensing process to license the tow trucks in compliance with the licensing by-law and insisted that to be licensed they must have a registered VPF in the City of Mississauga. This caused concerns for a number of contract tow

truck companies who operate without a registered VPF and only tow the vehicle following the owner's directions. Due to the concerns caused by the change, staff granted conditional licences to the tow truck companies that operate within the City without a registered VPF in the City of Mississauga.

A representative for CAA attended the Public Vehicle Advisory Committee (PVAC) meeting of June 11, 2013 to raise their concerns and PVAC directed staff to bring forward a report on this issue. Staff met with representatives of the CAA on September 25, 2013 and discussed their concerns, including staff's proposal to consider a two tier licence system for "contract" also known as "not for hire" tow trucks and "general" tow trucks also known as "chase" tow trucks. CAA representatives agreed that this would be an acceptable solution as this would ensure that the CAA could continue to serve their customers in the City of Mississauga and that the tow truck drivers that operate for the CAA would be prohibited from operating as a chase tow truck.

Staff also met with representatives from various licensed tow truck companies that operate in the City of Mississauga and maintain VPF's in the City. The consensus was that this change would benefit both sides of the industry.

COMMENTS:

Staff reviewed the surrounding municipalities and found that none have specific licence types for the operation of contract tow trucks versus general tow trucks. Staff carefully reviewed all of the industry concerns and found that the best solution would be a separate licence type to allow contract towing which for the most part are companies which are located outside of the City of Mississauga; do not have a VPF in the City of Mississauga, and, operate under pre-arranged contracts for their customers and only take the vehicles to locations as directed by the hirer. This type of operation does not meet the current requirements of the by-law but the addition of a "Contract Towing Not For Hire" licence type would permit the business to continue to service their clientele in the City of Mississauga.

Furthermore, the addition of the "Contract Towing Not For Hire" licence type would capture private tow trucks which are not chasing accident scenes but are towing for small shops and private individuals.

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for the purpose of moving vehicles from one location to another and scrap vehicle businesses which are operating on public roads. This has become a safety concern in recent years due to the lack of regulation. In particular, many of the towing vehicles are simply underrated as they are using towing vehicles such as half ton pickup trucks with towing apparatus attached. The vehicles may not meet the requirements of the Ministry of Transportation, or city by-laws, for tow trucks and hence create a safety hazard due to underrated steering, braking and handling with the addition of a second vehicle attached to the towing apparatus. The towing vehicles often lack proper safety equipment, insurance and driver training.

The current by-law covers the requirements for "General Towing For Hire" and provides all the responsibilities for a tow truck driver to operate in the City of Mississauga. As a result, it is recommended that the Tow Truck Licensing By-law 521-04, as amended, be amended effective February 1, 2014 to create a new tow truck driver licence class for "Contract Towing Not For Hire". Staff further recommend that the fees for the new class be the same as for the "General Towing For Hire" class.

This would further assist with enforcement of the by-laws for both Mobile Licensing Enforcement staff and police services as it would be clearly defined which licence type would be permitted to attend accident scenes, police seizures or highway break downs. This would assist in regulating the tow truck industry to ensure that all "General Towing For Hire" tow trucks maintain a registered VPF within the City of Mississauga.

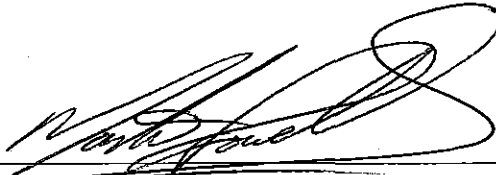
FINANCIAL IMPACT: This recommendation may increase tow truck licensing revenues.

CONCLUSION: Following consultation with representatives from the CAA and from the Mississauga towing industry, staff recommend that the Tow Truck Licensing By-law 521-04, as amended, be amended to include two licence types: "General Towing For Hire" and "Contract Towing Not For Hire".

The current by-law provides clear direction for the licensing of "General Towing For Hire" towing and requires amendments to allow

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for inclusion of a new licence class: "Contract Towing Not For Hire" with similar licensing fees. This amendment will assist in regulating the tow truck industry by ensuring that tow truck drivers chasing accidents in the city have the appropriate licence to do so.



Martin Powell, P. Eng.

Commissioner of Transportation and Works

Prepared By: Daryl Bell, Manager, Mobile Licensing Enforcement

Towing Industry Advisory Committee Action List- May 6, 2014

Issue	Last Discussed on	Who	Status
Gross Vehicle Weight Rating (GVWR)	June 18, 2012	Enforcement Office	COMPLETED
Dual-Wheel Trucks	June 18, 2012	Enforcement Office	COMPLETED
Accident tow rate – amending flat rate	October 22, 2012	Enforcement Office	COMPLETED
Compliance and enforcement of Licensed Vehicle Impound Facilities (VPF)	October 22, 2012	Enforcement Office	COMPLETED
Bi-yearly Ontario Drivers Abstract and a Peel Regional Police criminal record search for all drivers	October 22, 2012	Enforcement Office	COMPLETED
Any company applying for a Tow Truck Owner's License must also show proof of an approved Vehicle Impound Facility which is located within the boundaries of the City of Mississauga	June 18, 2012	Enforcement Office	COMPLETED
Proof of insurance credentials	October 22, 2012	Enforcement Office	COMPLETED
Drivers complete the following – criminal record search every 6 months, drivers abstract every 6 months, and WSIB	October 22, 2012	Enforcement Office	COMPLETED
Towing Practices and Policies for the Peel Regional Police	June 18, 2012	Enforcement Office	COMPLETED
Capping the Number of Tow Truck Licenses	February 28, 2012	Enforcement Office	COMPLETED
Training/qualifications for drivers	May 6, 2014	Enforcement Office	To be brought back to a future meeting
Central City pound facility	February 19, 2013	Enforcement Office	Enforcement staff to report back
By-law review – Towing out of City boundaries	February 19, 2013	Enforcement Office	Enforcement staff to report back
By-law review – WSIB/Insurance requirements	February 19, 2013	Enforcement Office	Enforcement staff to report back
Auto clubs operating without owning a pound facility	April 15, 2014	Enforcement Office	In progress

Towing Industry Advisory Committee
JUN 10 2014